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10/563,937	01/09/2006	Arnaud Brun	33901-188PUS	3426

27799 7590 10/04/2007  
COHEN, PONTANI, LIEBERMAN & PAVANE  
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NEW YORK, NY 10176

EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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10/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/563,937

Applicant(s)

BRUN ET AL.

Examiner

Md S. Elahee

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2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 5-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/09/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/09/2006.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on January 09, 2006 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: regarding claim 1, the phrases "a step" in line 7 and "said step" in line 9 should apparently be "said step" and "a step" respectively. Appropriate correction is required.

3. Claims 2-11 are objected to because of the following informalities: regarding claim 2, the phrase "A method" in line 1 should apparently be "The method". Claims 3-11 are objected for the same reasons as discussed above with respect to claim 2. Appropriate correction is required.

4. Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim 5 has not been further treated on the merits. Since claims 6 and 10 are dependent on claim 5, claims 7-9 are dependent on claim 6 and claim 11 is dependent on claim 10, claims 6-11 are also objected. Thus, these claims will not be further treated on the merits.

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5. Claim 12 is objected to because of the following informalities: regarding claim 12, the phrase "receiving entity" in lines 6, 7 should apparently be "receiver entity". Appropriate correction is required.

6. Claims 13-16 are objected to because of the following informalities: regarding claim 13, the phrase "A device" in line 1 should apparently be "The device". Claims 14-16 are objected for the same reasons as discussed above with respect to claim 13. Appropriate correction is required.

7. Claim 16 is objected to because of the following informalities: regarding claim 16, the phrase "those recipient" in line 7 should apparently be "the recipient". Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 2, 12, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Barker (U.S. Pub. No. 2002/0172331).

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Regarding claim 1, with respect to Figures 1-4, 7-10, Barker teaches a method of making a sound content available, the method comprising

a step of producing a message [i.e., sound content] and sending it by means of a telephone terminal and a step of receiving and storing said sound content with a view to subsequent consultation by a telephone terminal (abstract; page 1, paragraphs 0019-0021, page 2, paragraphs 0022-0024, 0026-0028, page 4, paragraphs 0058, 0064, 0067, page 5, paragraphs 0076, 0079-0082),

Barker further teaches the method being characterized in that it comprises a step of the telephone terminal producing the sound content that precedes and is temporally separate from said step of the telephone terminal sending said sound content (abstract; page 2, paragraphs 0022-0024, 0026-0028, page 4, paragraphs 0058, 0064, 0067, page 5, paragraphs 0076, 0079-0082).

Regarding claim 2, Barker, as applied to claim 1, teaches that the step of producing the sound content includes the production of a voice content included in the sound content (abstract; page 2, paragraphs 0022-0024, 0026-0028, page 4, paragraphs 0058, 0064, 0067, page 5, paragraph 0076).

Regarding claim 12, with respect to Figures 1-4, 7-10, Barker a telecommunications device for making available a message [i.e., sound content] addressed to at least one telephone terminal holder, the device comprising

a call compilation device 140 in Fig.1 [i.e., sound content receiver entity] and a playback device 150 in Fig.1 [i.e., sound content storage entity] that may be consulted by telephone, the device being characterized in that the receiving entity and the storage entity are adapted to read a message precomposed on a telephone terminal before it is sent thereby and to store a sound content included in that message in memory in a form that may be consulted (abstract; page 1, paragraphs 0019-0021, page 2, paragraphs 0022-0024, 0026-0028, page 4, paragraphs 0058, 0064, 0067, page 5, paragraphs 0076, 0079-0082).

Regarding claim 15, Barker, as applied to any one of claims 12 to 14, teaches that the message receiver entity and the storage entity for storage in a form that may be consulted are adapted to read an MMS message and to store a sound content included in that MMS message in a form that may be consulted by telephone (page 2, paragraphs 0023, 0026, 0027, page 4, paragraphs 0064, 0067, page 5, paragraphs 0079-0082).

Regarding claim 16, Barker, as applied to claim 15, teaches that the message receiver entity comprises means for reading an MMS message, identifying and extracting coordinates of recipient included in said message, and sending the sound content of the MMS message to one or more storage entities corresponding to those recipient coordinates (abstract; page 2, paragraphs 0023, 0026, 0027, page 4, paragraph 0064, page 5, paragraph 0076).

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*Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Allen et al. (U.S. Patent No. 5,313,515).

Regarding claim 3, Barker, as applied to claim 1 or claim 2, teaches that the step of storage in memory in a form adapted to be consulted consists in depositing the message in a telephone user's storage means as a message for that user (page 2, paragraphs 0023, 0026, page 4, paragraph 0064, page 5, paragraph 0076).

However, Barker does not specifically teach depositing the message in a telephone user's voice mailbox. Allen teaches depositing the message in a telephone user's voice mailbox (fig.1; col.1, lines 53-63, col.2, lines 23-55). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barker to incorporate a telephone user's voice mailbox in Barker's invention as taught by Allen for depositing the message. The motivation for the modification is to do so in order to store message in an assigned mailbox for a user such that the user can easily retrieve the message by accessing the mailbox remotely within a short period of time.

Regarding claim 13, Barker, as applied to claim 12, does not specifically teach that the storage entity is a telephone user's voice mailbox. Allen teaches that the storage entity is a telephone user's voice mailbox (fig.1; col.1, lines 53-63, col.2, lines 23-55). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barker to incorporate the storage entity as a telephone user's voice mailbox in Barker's invention as taught by Allen. The motivation for the modification is to do so in order to an assigned mailbox for a user for depositing the message such that the user can easily retrieve the message by accessing the mailbox remotely within a short period of time even when the user is traveling.



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14. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Tuttle (U.S. Patent No. 6,912,271).

Regarding claim 4, Barker, as applied to claim 1 or claim 2, teaches that the step of storage in memory in a form adapted to be consulted consists in recording the message in an entity for sending a greeting for a user (abstract; page 2, paragraphs 0023, 0026, 0027, page 4, paragraph 0064, page 5, paragraph 0076).

However, Barker does not specifically teach an entity for sending a voicemail greeting for a voice mailbox as the voicemail greeting of that voice mailbox. Tuttle teaches an entity for sending a voicemail greeting for a voice mailbox as the voicemail greeting of that voice mailbox (col.2, lines 44-48, 59-67, col.3, lines 1-7, col.9, lines 21-46, 57-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barker to incorporate an entity in Barker's invention as taught by Tuttle for sending a voicemail greeting for a voice mailbox as the voicemail greeting of that voice mailbox. The motivation for the modification is to do so in order to deliver a particular greeting message to a particular recipient such that the recipient can only receive specific message important for him instead of receiving a generic message.

Claim 14 is rejected for the same reasons as discussed above with respect to claim 4.

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*Conclusion*

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Md. Shafiuul Alam Elahee*

MD SHAFIUL ALAM ELAHEE

Examiner

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October 1, 2007